



EMPLOYMENT TRIBUNALS

Claimant: Ms C McVay

Respondent: Short Richardson and Forth Limited In Voluntary Liquidation

JUDGMENT ON RECONSIDERATION

On reconsideration, paragraph 5 of the Judgment dated 4 July 2023 is varied in accordance with Rules 70 to 72 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, Schedule 1 in the following terms:

5. The claimant's claim for accrued and outstanding holiday pay pursuant to Regulation 14 of the Working Time Regulations 1998 is well-founded and the respondent is ordered to pay to the claimant holiday pay in the sum of £3618.04 net.

Paragraphs 1 to 4 and 6 to 8 of the Judgment dated 4 July 2023 are confirmed.

REASONS

1. On 25 July 2023 the claimant submitted an application to the Tribunal requesting the Judgment dated 4 July 2023 to be reconsidered on the grounds that an error had been made in respect of the claim for accrued and outstanding holiday pay on the basis of new information coming to light which was not available on 4 July 2023.
2. The Tribunal wrote to the respondent and the Secretary of State, as an interested party in these proceedings, on 18 September 2023 and both were required to write to the Tribunal by 2 October 2023 with any objections to the requested reconsideration and with their views on whether the application could be determined without a hearing. Neither the respondent nor the Secretary of State have replied to the Tribunal's letter dated 18 September 2023.
3. The claimant indicated in their letter to the Tribunal dated 29 September 2023 that an oral hearing was not required to deal with this application.
4. As neither party requested an oral hearing, the above Judgment has been entered without a hearing on the basis of information provided by the claimant in accordance with Rules 70 to 72 of the Employment Tribunal Rules of Procedure 2013.
5. I accept the claimant's submissions that she was not in receipt of information relating to the correct amount of accrued holiday pay she was entitled to, as at the date of dismissal, from

the insolvency practitioner at the time she submitted her claim to the Tribunal or at the date the Judgment was entered. I also accept the claimant's submission that she received further information from the Redundancy Payment Services about her holiday pay entitlement after 4 July 2023 and she received a second partial payment in respect of holiday pay in the sum of £723.70 from the Redundancy Payment Services on 21 July 2023. The total amount of holiday pay received by the claimant from the Redundancy Payment Services is in the sum of £2024.08.

6. The claimant was entitled to receive payment for 22 days of accrued and outstanding holiday entitlement as at the date of dismissal, 30 September 2022. The claimant's uncontested evidence is that her daily net rate of pay was in the sum of £234.61. The claimant was entitled to receive the sum of £5642.12 net for 22 days holiday pay when her employment was terminated and she has received a net figure of £2024.08 from the Redundancy Payment Services, which leaves a balance of £3618.04.
7. The claimant's claim for accrued and outstanding holiday pay is well-founded and the respondent is ordered to pay to the claimant holiday pay in the sum of £3618.04 net.

Employment Judge Arullendran

Date: 16 October 2023